

**S.R. 228** - By Barrientos: Congratulating Lieutenant David Charles Sandlin of Austin on the occasion of his birthday on February 6, 1993.

**S.R. 229** - By Barrientos: Recognizing Lieutenant Charles "Chuck" Terry Smith on the occasion of his 38th birthday.

#### **ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 2:51 p.m. adjourned until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **REPORT OF STANDING COMMITTEE**

The following committee report was received by the Secretary of the Senate:

February 15, 1993

**STATE AFFAIRS — S.B. 242**

**SENT TO GOVERNOR**  
(February 12, 1993)

**S.C.R. 20**

#### **SIXTEENTH DAY**

(Tuesday, February 16, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Jim Williams, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

O Lord our God, You are always creating, sustaining, and renewing us. We give You thanks for the opportunities to serve and the will to do the right. Guide this body in its deliberations today and in days to come. We pray in Your holy name. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the

reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHORS OF SENATE BILL 155**

On motion of Senator Turner and by unanimous consent, Senators Henderson and Nelson will be shown as Co-authors of S.B. 155.

**CO-AUTHOR OF SENATE BILL 308**

On motion of Senator Wentworth and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 308.

**CO-AUTHOR OF SENATE BILL 323**

On motion of Senator Wentworth and by unanimous consent, Senator Shelley will be shown as Co-author of S.B. 323.

**CAPITOL PHYSICIAN**

Senator Shelley, on behalf of Senator Parker, was recognized and presented Dr. Richard Kirkham of Cove as the "Doctor for the Day."

The Senate welcomed Dr. Kirkham and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 16, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 13**, Resolving that the Senate and House meet in Joint Session in the Hall of the House of Representatives on Tuesday, February 23, 1993.

**H.C.R. 46**, Congratulating Dr. John Marion Ellis on the occasion of his retirement.

**H.C.R. 48**, In memory of Arthur Ashe.

**H.C.R. 35**, Honoring Abibigromma and the Ghana Dance Ensemble on the occasion of their visit to the State Capitol.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**BILL AND RESOLUTION SIGNED**

The President announced the signing of the following enrolled bill and resolution in the presence of the Senate after the captions had been read:

**S.J.R. 7**

**S.B. 171** (Signed subject to Art. III,  
Sec. 49a of the Constitution)

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.J.R. 16** by Leedom Education  
Proposing a constitutional amendment relating to public school finance.

**S.J.R. 19** by Ellis, Leedom Jurisprudence  
Proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale.

**S.B. 351** by Harris of Tarrant Health and Human Services  
Relating to the requirements for a license without an examination for certain marriage and family therapists.

**S.B. 352** by Harris of Tarrant, Truan Jurisprudence  
Relating to public accountants and to certain acts of public accountants.

**S.B. 353** by Harris of Tarrant Intergovernmental Relations  
Relating to tax assessor-collectors who are required to register with the Board of Tax Professional Examiners.

**S.B. 354** by Harris of Tarrant Jurisprudence  
Relating to the appointment of bailiffs for the 371st District Court.

**S.B. 355** by Ellis, Leedom Jurisprudence  
Relating to the right of redemption of real property sold at a tax sale.

**S.B. 356** by Ellis Criminal Justice  
Relating to enhancement of the penalty for adults who commit certain drug offenses while in the presence of minors.

**S.B. 357** by Ellis Economic Development  
Relating to the regulation of persons operating, assembling, or disassembling cranes; creating offenses and providing criminal penalties.

**S.B. 358** by Ellis, Moncrief Criminal Justice  
Relating to drug-free zones and to the imposition of fines and penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free zones; making an appropriation of such fines.

**S.B. 359** by Rosson, Patterson Economic Development  
Relating to the creation of a program to provide motor vehicle insurance coverage at affordable rates for certain individuals with good driving records.

**S.B. 360** by Armbrister State Affairs  
Relating to making confidential a record that would identify a person who uses library services or materials.

**S.B. 361** by Armbrister Finance  
Relating to sales tax exemptions for religious, charitable, educational, and public service organizations.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 16, 1993

**TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

**TO BE A MEMBER OF THE TEXAS AIR CONTROL BOARD** for a term to expire September 1, 1997:

ELAINE MOWINSKI BARRON, M.D.

900 Cherry Hill Lane

El Paso, Texas 79912

Dr. Barron will be filling the unexpired term of Dr. Suzanne Ahn of Dallas, who resigned.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

**SENATE BILL 221 ON SECOND READING**

Senator Sibley moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 221** be taken up for consideration at this time:

**S.B. 221**, Relating to the creation, administration, powers, duties, operation, and financing of the West Community Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Sibley offered the following committee amendment to the bill:

Amend **S.B. 221** in Section 5.07, on page 14, between lines 11 and 12, by adding Subsection (c), (d), (e), and (f) to read as follows:

(c) for each type of service rendered under a contract or subcontract, the district or the general contractor shall award to historically underutilized businesses a number of contracts, the dollar value of which equals the percentage that historically underutilized businesses comprise of the total number of businesses offering the service;

(d) the businesses that constitute historically underutilized businesses shall be determined by the General Services Commission; and

(e) under the goal set by this subsection, the agency and general contractor shall give preference, among bids or other proposals that are otherwise comparable, to a bid or other proposal by a historically underutilized business having its home office located in this state.

(f) For purposes of Subsection (c) of this section, "historically underutilized business" means:

(1) a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who have been historically underutilized because of their identification as members of certain groups, including African Americans, Hispanic Americans, Asian Pacific Americans, Native Americans, and women, who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control;

(2) a sole proprietorship established for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by Subdivision (1) of this subsection;

(3) a partnership established for the purpose of making a profit in which 51 percent of the assets and interest in the partnership is owned by one or more persons described by Subdivision (1) of this subsection and those persons have a proportionate interest in the management, operation, and control of the partnership; or

(4) a joint venture in which each participant is a business described by Subdivision (1), (2), or (3) of this subsection.

The committee amendment was read.

On motion of Senator Sibley and by unanimous consent, the committee amendment was withdrawn.

The bill was passed to engrossment by a viva voce vote.

#### **SENATE BILL 221 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 202 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 202 be taken up for consideration at this time:

**S.B. 202**, Relating to the State Pension Review Board fund.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **S.B. 202** by striking Section 1 in its entirety and substituting in lieu thereof the following:

**SECTION 1.** Section 801.113, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Under the provisions of Sections 403.094 and 403.095, Government Code, the dedication of the State Pension Review Board fund is reenacted, and the fund is established as a special account within the state treasury dedicated for the purposes defined by Subsections (a) and (e) of this section.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 202 ON THIRD READING**

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 202 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 150 ON SECOND READING**

Senator Nelson moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 150 be taken up for consideration at this time:

S.B. 150, Relating to the student use fee at Tarleton State University.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 150 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Barrientos, Luna.

**VOTE RECORDED**

Senator Luna asked to be recorded as voting "Nay" on the confirmation of the appointees to The University of Texas System Board of Regents.

Members, University of Texas System Board of Regents: PETER R. CONEWAY, Harris County; LOWELL H. LEBERMANN, Travis County; MARTHA E. SMILEY, Travis County.

Member, State Banking Board: JANE H. MACON, Bexar County.

Member, State Securities Board: THOMAS DEON WARNER, Harris County.

Members, Finance Commission of Texas: JAMES T. CHAMBERS, Erath County; GEORGINA S. GONZALEZ, Harris County; KATHERINE B. REYNOLDS, Travis County; RUBY J. WIMBERLEY, Orange County.

Members, Texas Public Finance Authority: ROBERT B. DAVIS, Travis County; ERLINDA CORTEZ DIMAS, Bexar County; PETER LEWIS, Dallas County.

Members, Texas Transportation Commission: DAVID E. BERNSEN, Jefferson County; HENRY RUBEN MUNOZ III, Bexar County; ANNE SHELMIERE WYNNE, Travis County.

Members, Texas County and District Retirement System: JUDGE GILES W. DALBY, Garza County; COMMISSIONER JAMES "GRADY" PRESTAGE, Fort Bend County.

Member, State Depository Board: JAMES H. FLINCHUM, Dallas County.

Member, Texas Growth Fund Board of Trustees: MATRICE ELLIS-KIRK, Dallas County.

Members, Texas Municipal Retirement System Board of Trustees: ANDRES VEGA, JR., Cameron County; CHARLES E. WILSON, McLennan County.

Members, State Pension Review Board: CHERYL L. DOTSON, Harris County; HUGH L. STEPHENS, Dallas County; GILBERT F. VASQUEZ, Bexar County.

Members, Texas State Board of Public Accountancy: CYNTHIA

BARNES, Fort Bend County; VERNON DALE EVANS, Tarrant County; CARMEN C. GARCIA, Bexar County; JUDY JADE LEE, Harris County; I. LEE WILSON, Rockwall County.

Members, Board of Tax Professional Examiners: RUTH GLASGOW CLAYTON, Hays County; ESTHER Z. PEREZ, Dimmit County; CIRO TREVINO, Hidalgo County.

Firemen's Pension Commissioner: COMMISSIONER HELEN L. CAMPBELL, Travis County.

#### MEMORIAL RESOLUTIONS

**S.R. 232** - By Ratliff, Moncrief: In memory of Dewitt Roy Studer of Fort Worth.

**S.R. 234** - By Brown: In memory of M. M. "Bud" Brown of Alvin.

**S.R. 236** - By Brown: In memory of James S. Nabors of Brazosport.

#### CONGRATULATORY RESOLUTIONS

**S.R. 231** - By Harris of Tarrant: Congratulating Toby Smith of Arlington on achieving the rank of Eagle Scout.

**S.R. 233** - By Brown: Congratulating George Reading for his hard work and dedication in maintaining and improving the Morton and Meyer-Dyer cemeteries in Fort Bend County, two of the oldest cemeteries in the state.

**S.R. 235** - By Brown: Congratulating John Hammett of Fort Bend County on his recent retirement as a county purchasing agent.

**S.R. 237** - By Brown: Congratulating George Cruz for his 44 years of service with James Coney Island in Houston.

**S.R. 238** - By Barrientos: Recognizing the month of March as Kidney Awareness Month in Texas.

**S.R. 239** - By Barrientos: Recognizing B. J. Wolf of Travis High School in Austin for his 36 years of service as an athletic coach.

**S.R. 240** - By Armbrister: Commending Dr. George A. Constant for his many years of service to the City of Victoria and declaring Tuesday, February 16, 1993, "Dr. George A. Constant Day" in Victoria.

**S.R. 241** - By Turner: Congratulating Nyma Scoggins of Georgetown on the celebration of her 98th birthday.

**S.R. 242** - By Turner: Congratulating Officer Leroy Conerway of the Bryan Police Department for being selected Officer of the Year.

**S.R. 243** - By Turner: Recognizing the townsite of Mount Vernon, Washington County, on receiving an Official Texas Historical Marker commemorating its important place in the development of the state.

#### ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 11:38 a.m. adjourned until 10:30 a.m. tomorrow.



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**APPENDIX**

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**REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

February 15, 1993

FINANCE — C.S.S.B. 278

February 16, 1993

JURISPRUDENCE — S.B. 118

**SENT TO GOVERNOR**  
(February 16, 1993)

S.C.R. 2  
S.B. 130

**SEVENTEENTH DAY**  
(Wednesday, February 17, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by Senator Harris of Dallas.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper James Morris offered the invocation as follows:

Our Father, for this day of service we give You thanks and for these who must decide between needs and wishes, we offer a prayer that You would provide wisdom, compassion, and understanding. In Your name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 1**

On motion of Senator Zaffirini and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 1.

**CO-AUTHORS OF SENATE BILL 155**

On motion of Senator Turner and by unanimous consent, Senators Rosson, Ellis, Luna, Shelley, Sibley, and Harris of Tarrant will be shown as Co-authors of S.B. 155.